

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
TUESDAY, JULY 1, 2014 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 3 Karen White
Councilmember Ward 4 Cindy Wade
Councilmember-at-Large Maria Bucci
Councilmember-at-Large William Taylor
Councilmember-at-Large James Terwilliger
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Members Absent: Councilmember Ward 2 Ian Boni

Also Present: City Manager David R. Forrest
Corporation Counsel Michele O. Smith
City Clerk-Treasurer Nancy C. Abdallah

Mayor Polimeni stated that Councilmember Ward 2 Boni will not be here this evening due to personal reasons.

Review Core Values: Councilmember-at-Large Bucci read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Public Hearings:

Ordinance 2014-007: An Ordinance Amending Chapter 850 of the Municipal Code Relative to Swimming Pools

Mayor Polimeni opened the public hearing at 7:02 PM
No one was present to speak on this Ordinance.
Mayor Polimeni closed the public hearing at 7:03 PM

Approval of Minutes: Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of June 5, 2014. Councilmember-at-Large Taylor seconded the motion.
Vote Result: Carried unanimously by voice vote (8-0)

Recognition of Guests:

- Keven Olvany, Manager Watershed Council gave a presentation on the *Comprehensive Update of the Canandaigua Lake Watershed Management Plan*.
- Kathi Nevin, Ontario County Historical Society, invited everyone to an “old fashion” birthday party on July 21st celebrating the 100th Birthday of the Ontario County Historical

Museum. Admission is free and there will be cake, music, games, museum tours, lemonade and a free photo booth.

Trail (Footpath):

- Kathy Rayburn, 44 Deerfield Drive, was very upset about the clearing of numerous trees to make way for a footpath. As a result, wildlife has been displaced, there is increased noise from the bypass, security concerns with clear access to her backyard from this path, and the beautiful nature scene has been traded for a view of the bypass. Her backyard is now “unlivable”. The original plans had changed because the State required the path to be modified for handicap access. The neighbors were not notified about the changes in the plan and Ms. Rayburn is asking that the City work with the Town and the State to make this right.
- Cecelia Munn, 708 West Lake Dr., also commented on the footpath. What was once a beautiful private serene backyard has been destroyed. The natural privacy and noise barrier created by the trees is now gone.
- Mayor Polimeni stated that we did not know this was happening either. We worked with the neighborhood on the first plan but was not made aware of the changes in the plan.
- Corporation Counsel Michele O. Smith stated that the City was notified in 2008 of the rezoning of the Wegmans’ Middle Cheshire Road housing development. The path came about later when the plans were more developed and it was a concession the Town of Canandaigua asked for from the developer so the Town residents could have access to the lake area. The City was not involved in any other plans nor do we have any control over the property. We have made repeated requests for sound barriers from 5&20 from Holiday Harbor and Yacht Club Cove, but they have been denied. We can add this to our request and continue to work this issue.
- Councilmember Ward 4 Wade asked if we have seen the revised plan and does it include any plantings, landscaping or anything to alleviate these issues? Mayor Polimeni stated that we have not seen any revised plans.
- Councilmember-at-Large Bucci stated that its not “good enough” to say that we haven’t seen the plan. We need to make sure we find out what is happening because clearly the ball has been dropped so we need to make sure this does not happen again.
- Councilmember Ward 3 White has been working with the residents on Deerfield Drive. She stated that the issue is that the Town of Canandaigua required the trail to be built by the Villas on Middle Cheshire Rd on State property over City sewer lines. DOT took over the project and no one was notified of the changes to the original plan to make it ADA compliant. The damage has been done so the issue now is to make it as “livable” as possible. The Town indicated they can’t plant on State property and the State says it does not have any money.
- Councilmember-at-Large Whitcomb asked if we contacted our State Representatives. Councilmember Ward 3 White said a letter will be written to the State Representatives and we are working on other possible solutions.

Councilmember-at-Large Terwilliger moved that a very “aggressive” letter be sent to the Town of Canandaigua and our State Representatives indicating that this is unacceptable and offer possible remedies to this situation. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Dog Park:

- Karen Yudichak, 248 Buffalo Street, spoke about the proposed “membership dog park”. She referenced a flyer that was placed inside her mailbox which apparently was distributed by “The Canandaigua Canine Campus” in reference to pursuing a membership dog park. She asked for an update on this issue and if the suggestion, idea or proposal was initiated by the City. Mayor Polimeni informed Ms. Yudichak that this is a private group coming to the City. Several possible locations have been identified but there has been no proposal presented from this group. Dogs are not prohibited from City Parks, with the exception of Lagoon Park, and they must be leashed at all times. Currently there is no funding in the budget for a dog park and they were going to raise funds for this initiative. Mayor Polimeni stated that this discussion should happen at the committee level and she will be notified when this happens.
- Lori Mangialardo, 112 Holiday Lane, indicated that his group appears to be well organized and well-connected as well as focused on Baker Park. We want to make sure that this just doesn’t “oops” gets done without input from the community.
- Nicole Mahoney, Break the Ice Media, presented information the 4th of July parade and events at Kershaw including fireworks. She also stated that the Downtown Canandaigua Arts Festival will be held July 18th and 19th.

Committee Reports:

Environmental: Councilmember-at-Large Taylor reported that the Environmental Committee met on June 10th and will read them next month:

- Special Event – Student Movie
- Special Event – Faith, Family & Friends Day
- Sustainability – Presentation
- Plans for Sonnenberg Park Tennis Court
- Prioritize Committee Pending Items
- Lakeshore Traffic

Ordinance: Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on June 17th, and discussed the following:

- Chamber recommended Zoning Ordinance Amendments
- Food Truck – Draft ordinances (public and private property)
- Grass Notice – proposed ordinance change
- Update on Pier Parking, 9PM – 11PM

PUD: Councilmember-at-Large Whitcomb reported that the Planned Unit Development (PUD) Committee met on June 19th, and discussed the following:

- Cottages and Canandaigua – Application to rezone as PUD

Finance: Councilmember-at-Large Terwilliger reported that the Finance Committee met on June 24th, and discussed the following:

Minutes – Attachment 8A

- Support for NYS Abandoned Property Neighborhood Relief Act
- Request for 2 Part-time Firefighter positions
- Request for Fire Captains
- Repeal Tax Cap Law
- Executive Session: Sale of Real Property

Planning: Councilmember Ward 4 Wade reported that the Planning Committee has not met since the last Council Meeting.

Resolutions:

Resolution #2014-055:

Councilmember-at-Large Terwilliger read the following Resolution and moved for its adoption. Councilmember-at-Large Whitcomb seconded the motion.

**A RESOLUTION RECOGNIZING AND THANKING
JOHN THOMPSON
FOR HIS VOLUNTEER SERVICE
TO THE CITY OF CANANDAIGUA**

WHEREAS, John Thompson has recently completed his maximum term on the Ontario County Planning Board which began in 2004; and

WHEREAS, prior to this Mr. Thompson served on the City of Canandaigua Planning Commission from 1991 to 1997; and

WHEREAS, during his tenure Mr. Thompson maintained a high level of professionalism, provided valuable insights, and made a significant contribution to local and regional planning;

NOW, THEREFORE, BE IT RESOLVED that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank John Thompson for his years of service to the City of Canandaigua.

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2014-056:

Councilmember-at-Large Taylor read the following Resolution and moved for its adoption. Councilmember-at-Large Bucci seconded the motion.

A RESOLUTION AUTHORIZING SPECIAL EVENTS
Student Movie – Faith, Family & Friends Day

WHEREAS, the City Council of the City of Canandaigua has received the following applications for special events in the City of Canandaigua:

► ***‘Student Movie’***

Date: July 8 - 13, 2014

Location: Paths at Lagoon Park

Coordinator: Alex Aronson

Time: 9 p.m. – 2 a.m.

Purpose: Filming Movie

Expected Number of Participants: 7

► ***‘Faith, Family & Friends Day’***

Date: August 16, 2014

Location: Jefferson Park

Coordinator: Calvary Chapel at Finger Lakes

Time: 11 a.m. – 5 p.m.

Purpose: Provide Social Event Offering Food, Service and Entertainment

Expected Number of Participants: 200

WHEREAS, these requests were reviewed and approved at the June 10, 2014 Environmental Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special events at the time and locations listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special events; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinators will ensure that all tents that are required to be inspected will be inspected prior to the start of the special events; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement;

BE IT FURTHER RESOLVED that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Resolution #2014-057:

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
AMENDMENTS TO THE ZONING ORDINANCE**

WHEREAS, Section 850-8 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance, Chapter 850;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning amendment to create a special use for the operation of mobile vending units in specific zones in the City of Canandaigua and for other editorial amendments to the zoning ordinance, be held during the City Council Meeting held at 7:00 p.m. on August 7, 2014 in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given and published as required by law; and

BE IT FURTHER RESOLVED that the Zoning Officer shall cause a copy of the proposed Ordinance #2014-008 and Ordinance #2014-009 to be forwarded to the Ontario County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B).

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2014-058:

Councilmember-at-Large Bucci read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

A RESOLUTION AUTHORIZING THE SALE OF PARKING PERMITS TO

**ALLOW VEHICLES TO PARK
ON THE CITY PIER FROM 9PM to 11PM in 2014**

WHEREAS, the City has been asked by a group of residents to allow parking on the City Pier between the hours of 9pm and 11pm, when vehicles are otherwise prohibited to park; and

WHEREAS, the Ordinance Committee of the City Council, at its meeting of June 17, 2014, reviewed proposed parking regulations applicable to this request and agreed to allow such parking for 2014 on a trial basis;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that effective immediately the City Clerk/Treasurer's Office shall be authorized to sell City Pier Parking Permits for the fee as set by Fee Resolution of the City Council; and

BE IT FURTHER RESOLVED that such permit shall only authorize additional parking between the hours of 9pm and 11pm and grant no other parking rights to the permit holder;

BE IT FURTHER RESOLVED that the City Clerk/Treasurer shall provide a complete list of all applicable regulations to each permit holder.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2014-059:

Councilmember-at-Large Whitcomb read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION CERTIFYING THE
“THE COTTAGES AT CANANDAIGUA”
PLANNED UNIT DEVELOPMENT”
SKETCH PLAN SUBMISSION AS BEING COMPLETE**

WHEREAS, the Canandaigua City Council is in receipt of a sketch plan for “**The Cottages at Canandaigua” Planned Unit Development** and supporting documentation; and

WHEREAS, the Canandaigua City Council has reviewed this submittal in accordance with Article XII of the Municipal Code (Planned Unit Developments); and

WHEREAS, the Planned Unit Development Committee of City Council met on June 19, 2014 to review this submittal and has recommended that it be accepted as complete in

accordance with the requirements of Article XII of the Municipal Code of the City of Canandaigua, entitled "Planned Unit Developments";

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council:

1. That the sketch plan application is certified as being complete in accordance with § 850-124.B(4).
2. That the sketch plan shall be submitted to the City staff for coordinated staff review in accordance with § 850-124.B(4).
3. That the sketch plan shall be submitted to the City Planning Commission for review in accordance with § 850-124.B(5).
4. That the sketch plan shall be submitted to the Ontario County Planning Board for review in accordance with General Municipal Law Article 12-B, Sections § 239.
5. The Canandaigua City Council shall seek Lead Agency Status for the Environmental Review in accordance with 6 NYCRR Part 617 (SEQRA).

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2014-060:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION IN SUPPORT OF 2014 PROPOSED LEGISLATION,
ASSEMBLY BILL A.9341 AND ITS SENATE COMPANION BILL S.7350
(the "Zombie Property Bill")
REQUIRING LENDERS TO MAINTAIN DELINQUENT PROPERTIES**

WHEREAS, vacant and distressed properties create a blight on neighborhoods and create a drain on the City's building code and law enforcement resources; and

WHEREAS, holding lenders accountable will ensure that homeowners and the communities they reside in are protected from abuse and neglect; and

WHEREAS, Assembly Bill A.9341 and its Senate companion bill S.7350 propose to amend state law to make lenders responsible for maintaining delinquent properties after they are abandoned and to pay for their upkeep, in addition to notifying homeowners of their right to live in their homes until the foreclosure process is complete; and

WHEREAS, after review of the proposed legislation, the City of Canandaigua fully supports the proposal as a step toward combating the issue of abandoned homes to prevent properties from falling into disrepair and ensuring public safety;

NOW THEREFORE BE IT RESOLVED, that the City of Canandaigua does hereby support the passage of Assembly Bill A.9341 and its Senate companion Bill S.7350; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Andrew M. Cuomo, New York State Senator Michael F. Nozzolio, New York State Assemblyman Brian M. Kolb, and Attorney General Eric Schneiderman.

Vote Result: Carried unanimously by voice vote. (8-0)

Resolution #2014-061:

Councilmember Ward 4 Wade read Resolution 2014-061 and moved for its adoption. Councilmember, Ward 1 Cutri seconded the motion.

Councilmember-at-Large Bucci moved that Resolution 2014-061 be separated into two resolutions, Part Time Firefighters and Captains, and be voted on separately. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-1)

2014-061A

**A RESOLUTION AUTHORIZING THE CREATION OF
TWO PART-TIME FIREFIGHTER POSITIONS**

WHEREAS, the City of Canandaigua desires to add two part-time Firefighter positions;
and

WHEREAS, the hourly rate for the part-time positions will be \$21.03;

WHEREAS, sufficient funding exists in the adopted 2014 City of Canandaigua Fire Department budget for the part-time positions; and

WHEREAS, the authorized part-time staffing of the Fire Department will be increased to five personnel;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the creation of two additional part-time Firefighter positions at a rate of \$21.03 per hour;

AND BE IF FURTHER RESOLVED that there is sufficient funding in the 2014 City of Canandaigua Fire Department Budget for these positions.

Discussion: Councilmembers clarified that the funding for these positions are to be taken from the existing 2014 Fire Department Budget. Councilmember Ward 3 White stated that this is very confusing and the Council should take more time to discuss this issue.

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: Councilmember Ward 3 White.

2014-061B Creating Captain Positions

Discussion: The original resolution requested the creation of two Captain positions. Councilmember-at-Large Bucci indicated that for safety issues, raised by staff and volunteers, felt that four positions should be created.

Councilmember-at-Large Terwilliger moved that the Resolution be amended to create four Captain positions. Councilmember, Ward 1 Cutri seconded the motion.

Councilmember-at-Large Bucci also commented that more financial information is needed this year and next year. There seems to be different numbers from the Fire Chief and Clerk Treasurer. She would also like real feedback from management as to whether or not this action has real impact on fire ground safety.

Councilmember-at-Large Terwilliger stated that prior actions in 2009 did not work and the Council is still trying to evolve to a steady position in the Fire Department that is both safe and affordable.

Councilmember-at-Large Taylor does not support 4 positions but could support 2. He stated that this should wait and be discussed at budget time.

Mayor Polimeni and Councilmember Ward 4 Wade could support this change to 4 positions.

Vote on Amendment:

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: Councilmember Ward 3 White and Councilmember-at-Large Taylor.

2014-061B-Amended A RESOLUTION AUTHORIZING THE CREATION OF FOUR CAPTAIN POSITIONS

WHEREAS, the City of Canandaigua desires to create four full-time Captain positions to be filled by promotion; and

WHEREAS, and the annual wage for the Captain positions will be \$58,498; and

WHEREAS, sufficient funding exists in the adopted 2014 City of Canandaigua Fire Department budget for the Captains positions; and

WHEREAS, and the authorized full-time staffing of the Fire Department will remain at nine personnel, along with the Fire Chief;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby authorizes the creation of four full-time Captain positions to be filled by promotion; and further authorizes the City Manager to fill these positions;

AND BE IF FURTHER RESOLVED that there is sufficient funding in the 2014 City of Canandaigua Fire Department Budget for these positions.

Discussion: Councilmember-at-Large Whitcomb does not understand why the Fire Department is unable to function without these positions on a piece of paper. Maybe this is a management issue, but regardless, if they can't safely function without it then he has no choice but to support it.

Vote on Amended Resolution:

The motion CARRIED on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: Councilmember Ward 3 White and Councilmember-at-Large Taylor.

Resolution #2014-062:

Councilmember Ward 3 White read the following Resolution and moved for its adoption. Councilmember-at-Large Taylor seconded the motion.

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON
LOCAL LAW No. 4 OF 2014,
REPEALING LOCAL LAW No. 2 OF 2014, WHICH AUTHORIZED A PROPERTY
TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL
LAW §3-C**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law requires a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that a public hearing regarding Local Law No. 4 of 2014 relative to repealing Local Law No. 2 of 2014, which authorized a property tax levy in excess of the limit established in General Municipal Law §3-c, shall be held in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York during the meeting held at 7:00 p.m. on August 7, 2014; and

BE IT FURTHER RESOLVED that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

Vote Result: Carried unanimously by voice vote. (8-0)

Ordinances:

Ordinance #2014-007: *(Introduced and tabled at the June 5, 2014 Council Meeting)*

AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATIVE TO SWIMMING POOLS

Lift from the table: Councilmember, Ward 1 Cutri moved to lift Ordinance 2014-007 from the table. Councilmember-at-Large Taylor seconded the motion.

Vote Result: Carried unanimously by voice vote.

Vote: Councilmember, Ward 1 Cutri moved to approve Ordinance 2014-007. Councilmember-at-Large Whitcomb seconded the motion.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Taylor, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None.

Ordinance #2014-008:

Councilmember-at-Large Taylor read the following ordinance and placed it on the table.

AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATIVE TO SPECIAL USE PERMITS

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That Article X of the Municipal Code (entitled “Supplementary Regulations Governing Certain Uses, Buildings and Structures”), is hereby amended as follows: (deletions stricken, additions **bold**):

§ 850-77 Public utilities.

G. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-79 Residential conversions.

H. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-80 Social halls, clubs, lodges and fraternal organizations.

B. (1) It is ascertained by the Planning Commission that the proposed use is by a ~~bona-fide~~ nonprofit organization, **with taxable status under section 501(c) of the Internal Revenue Code**, operated solely for the recreation and enjoyment of the members of the said organization.

§ 850-81 Hospitals, nursing homes, philanthropic or charitable uses.

D. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-82 Motor vehicle service stations.

O. ~~The owner and/or operator of any automobile service station located within the City of Canandaigua shall be subject to all the ordinances, laws, rules and regulations of the City of Canandaigua and the State of New York.~~ **The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.**

§ 850-84 High-rise apartments.

K. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-85 Public and semipublic uses.

B. It is ascertained by the Planning Commission that the proposed use is a ~~bona-fide~~ nonprofit organization, **with taxable status under section 501(c)(3) of the Internal Revenue Code**, operated solely for the members of said organization or the provision of a particular public service.

§ 850-86 Retail uses, service establishments and administrative offices.

D. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-87 Residential uses in combination with other permitted uses.

F. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-88 Administrative **and Professional** offices and office buildings.

A. Administrative offices and office buildings of a business, professional or governmental nature may be permitted in the C-L and R-I Districts provided that:

A-1. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.

B-2. Off-street parking space shall be provided. The Planning Commission may determine on a case-by-case basis what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II,^[1] and may require landscaping, buffering and other considerations provided that such requirements shall not exceed the requirements of Article VIII, Special Regulations, of this chapter.

B. Professional offices (not health-related) may be permitted by special use permit in the H-R. Health-Related District, provided that:

1. The Planning Commission determines that the proposed structure(s) will not adversely affect existing scenic vistas or views, that the proposed use will not create traffic problems in the neighborhood, and that the proposed use is consistent with the goals and policies of the Comprehensive Plan for this zone district.

2. Area and yard specifications as well as requirements for off-street parking, loading and unloading areas, driveways, signs and landscaping shall be in compliance with the provisions of Article VIII, Special Regulations, and the schedules of this chapter.

3. If within a building or on premises partially occupied by one or more permitted primary uses, non-health-related professional offices may occupy no more than 50% of said building or premises.

4. If non-health-related professional offices are the only use located on the premises, then the building area occupied by such uses shall be no more than 15,000 square feet.

§ 850-89 **Intentionally left Blank** — Professional offices.

~~Professional offices (not health-related) may be permitted by special use permit in the H-R. Health-Related District, provided that:~~

~~A. The Planning Commission determines that the proposed structure(s) will not adversely affect existing scenic vistas or views, that the proposed use will not create traffic problems in the neighborhood, and that the proposed use is consistent with the goals and policies of the Comprehensive Plan for this zone district.~~

~~B. Area and yard specifications as well as requirements for off-street parking, loading and unloading areas, driveways, signs and landscaping shall be in compliance with the provisions of Article VIII, Special Regulations, and the schedules of this chapter.~~

~~C. Wherever possible the building site design and architectural design of the proposed use should be compatible with and conform to the general character of the hospital medical complex within the H-R District.~~

~~D. If within a building or on premises partially occupied by one or more permitted primary uses, non-health-related professional offices may occupy no more than 50% of said building or premises.~~

~~E. If non-health-related professional offices are the only use located on the premises, then the building area occupied by such uses shall be no more than 15,000 square feet.~~

§ 850-92 Clubhouses and recreational facilities.

E. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-94 ~~Intentionally left Blank~~ ~~Eating establishments.~~

~~Eating establishments including sandwich shops, coffee shops, luncheonettes, and restaurants may be permitted in the C-1 and R-O Districts, provided that:~~

~~A. Service is provided totally within the primary building and no drive-in facilities shall be permitted.~~

~~B. No alcoholic beverages are served other than beer, wine and wine coolers served with meals only, and no separate bar area is provided.~~

~~C. The Planning Commission determines that the proposed is consistent with the objectives of the City Comprehensive Plan, compatible with adjacent properties, and will not create traffic problems in the area of the proposed restaurant use.~~

~~D. Area and yard specifications as well as requirements for off street parking, loading and unloading areas, driveways, signs, and landscaping shall be in accord with the provisions of Article VIII, Special Regulations, and the schedules of this chapter.~~

§ 850-95 Underground utility district.

E. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-103 Taxicab dispatch offices.

D. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

§ 850-104 Senior apartments.

F. The proposed use shall be consistent with the goals and recommendations of the Comprehensive Plan, shall be compatible with adjacent properties and not adversely affect property values.

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

Ordinance #2014-009:

Councilmember, Ward 1 Cutri read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
RELATIVE TO MOBILE FOOD VENDING OPERATION**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

- Sec.1** §850-12 of the Municipal Code (entitled “Definitions and word usage”) is hereby amended as follows: (deletions stricken, additions **bold**):

Mobile Food Vending Operation

A motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public. This shall not include food vending operations on public property as regulated by Chapter 538: “Peddling and Soliciting”.

- Sec. 2** Article X of the Municipal Code (entitled “Supplementary Regulations Governing Certain Uses, Buildings and Structures”), is hereby amended as follows:

§ 850-110.5 Mobile Food Vending Operation

A Mobile Food Vending Operation may be permitted on vacant commercial property or a commercial property occupied by another permitted use, within the C-2, C-3, C-L, R-O, MU-2, MU-3, H-R, M-1, M-2 zone districts, provided that the following standards are met. Such Special Use Permits shall be deemed “renewable” as set forth in §850-19.C.2.g.6.

- A. A statement setting forth full particulars on the operation of the use shall be submitted to the Planning Commission, including images or photographs of the vehicle to be used in the Mobile Food Vending Operation and anticipated power source.**
- B. A detailed site plan shall be submitted to the Planning Commission, showing the subject property lines, location of buildings, parking areas, entrances and traffic flow, including pedestrian access. Site plan approval may be granted only upon the express finding that:**
- 1. The site plan shall be designed to minimize traffic congestion from ingress and egress and that the proposed use shall not create traffic problems in the proposed area of use.**

2. The site plan shall be designed to provide safe and convenient pedestrian access, considering street crossings, pedestrians waiting to be served, and patrons eating on site.
 3. The site plan shall include sufficient space on site to provide suitable storage of trash, to prevent waste from blowing around the site or unto adjacent properties or the public right-of-way. Disposing of litter or trash generated by the vending operation in public trash receptacles is prohibited. All vending sites shall be cleaned at the close of operation each day and shall be maintained in a safe and clean manner at all times.
 4. The food vending vehicle shall be set back a minimum of ten feet from any public sidewalk or right-of-way
 5. The food vending vehicle shall not locate in parking spaces required to meet the minimum parking requirements for any other business, nor shall it block any parking spaces, driveways or drive aisles, loading areas or fire lanes.
 6. Food-service vendors shall provide evidence of a valid Health Department license at the time of special use application.
 7. The serving or consumption of alcohol shall be prohibited at vehicular food vending sites.
- C. The site of the Mobile Food Vending Operation must be located at least 100 feet from any residential zone district or restaurant.
- D. Mobile Food Vending Operation shall not operate between the hours of 11 p.m. and 6 a.m. The vehicle shall be removed from the site when not in operation.
- E. No additional signage shall be permitted other than the vehicle itself. No amplified music shall be played from the vehicle.
- F. The Planning Commission shall find that that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.

Sec. 3 This ordinance shall be effective thirty (30) days following its enactment.

Ordinance #2014-010:

Councilmember-at-Large Bucci read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING
CHAPTER 292 OF THE MUNICIPAL CODE
RELATIVE TO BRUSH, GRASS AND WEEDS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That Chapter 292, section 292-4 of the Municipal Code, is hereby amended as follows: [deletions stricken, additions in *italics*]:

§ 292-4	Performance of work by City; assessment of costs.
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A. If the provisions of the foregoing sections are not complied with, the Code Enforcement Officer shall serve written notice upon the owner, lessee, *lien holder*, or occupant, or any person having the care or control of any lot or land to comply with the provisions of this Article. *The initial notice shall be sent by first class mail to the owner as listed in the current tax assessment roll and by posting a copy of said notice on the property, if the property is occupied. Courtesy notices may be mailed to other interested parties. The initial notice shall give the property owner, lessee, lien holder, or occupant five (5) days from the date of the notice to cut the tall grass and weeds. Subsequent violation notices within the next 12 months shall not be required, after the initial violation notice has been sent. One notice issued during a 12 month period is declared as reasonable notice for one year from the date of initial notice.*

B. If the written initial notice is undeliverable or if, after receipt of the written initial notice, the person upon whom the notice is served, fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass or other vegetation within five days' service of such *initial* notice, or if no person can be found in the City who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the City shall cause such weeds, grass or other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal, plus 50% for inspection and other additional costs in connection therewith, shall be certified by the Code Enforcement Officer and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

C. The city may, after initial notice is given as provided in this section maintain the subject property for a period of up to one year from the day following the service of said notice, unless and until notified by the property owner, or someone acting on the owner's behalf, in writing, that the property will be maintained by or for the owner, and the Code Enforcement Officer is satisfied that such maintenance is being carried out satisfactorily. Cessation of maintenance by the owner or by the owner's agent during the period of one year as provided herein shall not be cause for the Code Enforcement Officer to reissue a notice during such period, and the Code Enforcement Officer may begin or resume the maintenance as provided herein. In any event, notice as provided in this section must be given each and every year thereafter, if the Code Enforcement Officer determines that it is necessary to continue such maintenance.

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

Local Law:

Local Law #2014-004:

Councilmember Ward 4 Wade read the following ordinance and placed it on the table.

Local Law No. 2014-004
City of Canandaigua, County of Ontario

A Local Law to Repeal the Property Tax Cap Override Authorized by Local Law #2014-02

Section 1. Legislative Intent

As a result of the eligibility requirements of New York State's Property Tax Freeze Law, it is the intent of this local law to repeal Local Law #2014-02, which would have allowed the City of Canandaigua to adopt a budget for the fiscal year commencing January 01, 2015 in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Chapter 59 of the Laws of 2014 of New York State (Part FF) establishes a property tax freeze. This legislation provides that certain taxpayers who reside within "freeze-compliant" taxing jurisdictions will receive a credit. To be considered "freeze-compliant" a taxing jurisdiction must certify to the State Comptroller and the Commissioner of Taxation and Finance, that the adopted budget is within the State Property Tax Cap.

Section 2. Authority

Local Law #2014-02 was adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap

for the next fiscal year by the adoption of a local law. However, Chapter 59 of the Laws of 2014 of New York State (Part FF) provides that in order to be considered freeze-compliant and eligible for credit, the Chief Executive Officers or Budget Officers of local governments will be required to certify whether or not the local government has passed a local law to override the tax cap. If an override local law was passed, the City must then certify that the local law has been repealed.

Section 3. Repeal Tax Levy Limit Override

The City Council of the City of Canandaigua, County of Ontario, hereby repeals Local Law #2014-02.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Manager's Report: No report

Miscellaneous: No Miscellaneous

Executive Session:

Councilmember, Ward 1 Cutri moved to close the regular meeting to go into Executive Session at 9:29 PM to the employment history of a particular person. Councilmember-at-Large Bucci seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Councilmember Ward 3 White moved to close the executive session and return to the regular meeting at 9:41 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Regular Session:

Councilmember Ward 3 White moved to adjourn the regular session at 9:41 PM. Councilmember Ward 4 Wade seconded the motion.

Vote Result: Carried unanimously by voice vote. (8-0)

Nancy C. Abdallah
City Clerk-Treasurer